



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,003	04/26/2001	Yukio Kohmura	204838US3CONT	7043

22850 7590 06/23/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LOPEZ, CARLOS N

ART UNIT PAPER NUMBER

1731

11

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-11

Office Action Summary

Applicati n No.

09/842,003

Applicant(s)

KOHMURA, YUKIO

Examin r

Carlos Lopez

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 is/are allowed.
- 6) ☒ Claim(s) 1, 5 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 April 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on 4/15/03 has been entered as Paper No. 10. The filed amendment obviates the claim objections and 35 USC 112 rejection made in Paper No.

9.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Applicant is again directed to MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1) Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Yoshikai (US 4,726,764). Yoshikai discloses a porous vitrification apparatus to minimize pressure fluctuation of the treatment gas in a furnace tube (Abstract). Yoshikai discloses a perform (1), a heating furnace (3) surrounding the furnace core tube (2), means for feeding a first gas (8) to the furnace core (2), a first discharge means (9), and a first discharge controlling means (13). A gas feed branch pipe (referred by applicant as side

Art Unit: 1731

conduit) is attached to a second gas feeding means (26A). The gas feed branch is connected to the middle of the discharge means/discharge pipe (9) wherein air is fed to the gas feed branch from the second gas feeding means (Column 3, lines 20-32). As disclosed by Yoshikai, the flow rate of the feeding gas is maintained constant (Column 3, lines 33-49); therefore it is inherent that a feed rate controlling means would be present. Yoshikai feeding means for the furnace core that feeds a gas is capable of feeding Helium gas as claimed by Applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claim 5/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikai (US 4,726,764) as applied to claim 1 above and in further view of Habasaki et al (US 5,639,290). Claim 5, additionally recites a group of vitrification apparatuses having an exhaust suction pump provided for every porous preform and a common exhaust gas treatment device. As shown by figure 2 of Habasaki et al labeled as prior art, a plurality vitrification apparatuses operated in parallel is known and thus, at the time the invention was made it would have been obvious to a person of ordinary skill in

Art Unit: 1731

the art to have arranged a plurality of vitrification apparatuses in parallel and provided an exhaust suction pump and a common exhaust treatment device since the claimed arrangement known in the art as evidenced by Habasaki.

Response to Arguments

Applicant's arguments filed 4/15/03 have been fully considered but they are not persuasive. Applicant argues "...Yoshikai reference merely describes a control regulating valve (26a) that is used to regulate the feeding amount of external air by regulating to open and close the valve (26a). No actual gas feeding means is provided in the Yoshikai reference that corresponds to the second gas feeding means recited in claim 1 of the present application." It is noted to applicant that "the side conduit" is deemed as the claimed gas feed branch and that valve 26a is deemed as a "second gas feeding means." Secondly, a "gas feeding means" does not invoke 35 U.S.C 112 6th Paragraph, see MPEP 2181. Thus, a broad reasonable interpretation of the term "gas feeding means" reads on a valve that opens and closes to let gas be feed to the gas feed branch ("side conduit" as referred by applicant) absent any invocation of 35 U.S.C 112 6th Paragraph limitation.

Allowable Subject Matter

Claims 6-9 are allowed.

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: While the cited prior art provides means for minimizing the fluctuation of a treatment gas in a furnace by providing a gas feed pipe at the exhaust pipe of a furnace

Art Unit: 1731

core tube the cited prior art does not disclose or reasonable suggest providing a drain conduit in the gas feed pipe as recited in claim 2 and 6. Additionally, the cited prior art does not disclose or reasonably suggest providing a mechanism for detecting a pressure difference between a pressure in a furnace core tube and a pressure in a heating furnace body and controlling the parameters set forth in claim 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers


Application/Control Number: 09/842,003

Page 6

Art Unit: 1731

for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

C.L
June 17, 2003